



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

19/F  
AF/NE  
EWilliams  
4-5-02

In re PATENT APPLICATION OF

Bright et al.

Group Art Unit: 1635

Application Serial No. 09/405,839

Examiner: Nguyen, L.

Filed: September 27, 1999

Title: IMPROVED PLANT GERMPLASM

April 2, 2002

\* \* \* \* \*

AMENDMENT

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed October 2, 2001, please amend the above identified application as follows herein.

IN THE CLAIMS:

Cancel claim 51.

Please amend the following claims:

27. (Twice Amended) An expression system as claimed in claims 39, 40, or 41, wherein the plant characteristic produced by said inserted gene can be used to prevent the production of seeds capable of developing into mature plants.

28. (Amended) An expression system as claimed in claims 39, 40, or 41, wherein said inducible promoter sequence is functionally linked to and controls a repressor protein gene and in which the disrupter gene promoter includes an operator sequence recognized by said repressor protein, so that in the presence of the inducer the repressor protein is produced which interacts with the operator sequence disabling the plant developmental gene promoter and inhibiting expression of the disrupter gene.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): Bright et al.

Appl. No.: 09

405,839

Series Code ↑

Serial No. ↑

Filed: September 27, 1999

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

Group Art Unit

1635

Examiner:

L. Nguyen

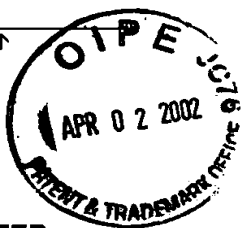
Atty. Dkt.

P 0263754

M#

Client Ref

Appl. Title: Improved Plant Germplasm



## REPLY/AMENDMENT/LETTER

Date: April 2, 2002

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

## FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim A. <input checked="" type="checkbox"/> NOT made B. <input type="checkbox"/> Withdrawn C. <input type="checkbox"/> made herewith D. <input type="checkbox"/> made previously For B & C See <u>Required Separate Paper</u> (Pat-256)		Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims		34	**minus 49	0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims		4	***minus 4	0	x \$84/\$42 =	+ \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) .....					add	+ \$280/\$140 =	+ \$0 104/204
5. Original due Date: January 2, 2002		<input type="checkbox"/> NONE					
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo)	\$110/\$55 =				115/215
		(2 mos)	\$400/\$200 =				116/216
		(3 mos)	\$920/\$460 =				117/217
		(Usable only for ≤ 2mo.OA --- 4 mos)	\$1,440/\$720 =				118/218
		(Usable only for 30 day/1mo.OA --- 5 mos)	\$1,960/\$980 =				118/228
7. Enter any previous extension fee paid since above original due date and subtract					- \$0		
8. Extension Fee Attached					\$920		
9. If Terminal Disclaimer attached, add Rule 20(d) official fee .....					+ \$110/\$55	+ \$0	148/248
10. If IDS attached requires Official Fee under Rule 97 (c), .....					add + \$180	+ \$0	126
or if Rule 97(d) Request .....					add + \$180		126
11. After-Final Request Fee per rules 129(a) and 17(r) .....					+ \$740/370	+ \$0	146/246
12. No. of additional inventions for examination per Rule 129(b) .....					x \$740/370 ea	+ \$0	149/249
13. Request for Continued Examination (RCE) .....					+ \$740/370	+ \$0	1179/1279
14. Petition fee for .....					+ \$0		
15. TOTAL FEE ENCLOSED =					\$920		

15.

16. \*If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

17. \*\*If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

18. \*\*\*If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

Our Deposit Account No. 03-3975)

(Our Order No. 070608 0263754

C#

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

04/03/2002 MGBREM1 00000039 09405839

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920.00 0P

Pillsbury Winthrop LLP

Intellectual Property Group

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Atty/Sec: RWH/kmh

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments